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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

REBEKKA LIEN, *Individually and On
Behalf of All Others Similarly Situated,*

Plaintiff,

v.

YANKA INDUSTRIES, INC. D/B/A
MASTERCLASS,

Defendant.

Case No. 3:2024-cv-08007-JCS

**FIRST AMENDED CLASS
ACTION COMPLAINT**

JURY TRIAL DEMANDED

1
2 Plaintiff Rebekka Lien on behalf of Plaintiff and all others similarly situated,
3 files this Complaint against Defendant Yanka Industries, Inc. d/b/a MasterClass
4 (“MasterClass” or “Defendant”) for violation of the federal Video Privacy Protection
5 Act, 18 U.S.C. § 2710 (“VPPA”), through its website, *masterclass.com*. Plaintiff’s
6 allegations are made on personal knowledge as to Plaintiff and Plaintiff’s own acts
7 and upon information and belief as to all other matters.
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10 **I. NATURE OF THE ACTION**

11 1. This is a consumer digital privacy class action complaint against
12 MasterClass, as the owner of *masterclass.com*, for its practice that violates VPPA
13 by knowingly disclosing to a third party, Meta Platforms, Inc. (“Facebook”), data
14 containing its digital subscribers’ (i) personally identifiable information or Facebook
15 ID (“FID”) and (ii) the computer file containing video and its corresponding URL
16 viewed (“Video Media”) (collectively, “Personal Viewing Information”) without
17 obtaining the proper consent.
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20 2. VPPA prohibits “video tape service providers,” such as
21 *masterclass.com*, from knowingly disclosing consumers’ “personally identifiable
22 information,” which “includes information which identifies a person as having
23 requested or obtained specific video materials or services from a video tape
24 provider,” without first obtaining express consent in a stand-alone consent form.
25 U.S.C. § 2710(a)(3), (b).
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1 3. Like other businesses with an online presence, Defendant collects and
2 shares the personal information of visitors to its website and mobile application
3 (“App”) with third parties. Defendant does this through cookies, software
4 development kits (“SDK”), and pixels. In other words, digital subscribers to
5 *masterclass.com* have their personal information disclosed to Defendant’s third-
6 party business partners.
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9 4. The Facebook pixel is a code Defendant installed on its
10 *masterclass.com* website allowing it to collect users’ data. More specifically, it
11 tracks when digital subscribers enter the *masterclass.com* website or App and view
12 Video Media. Defendant’s website tracks and discloses to Facebook the digital
13 subscribers’ viewed Video Media, and most notably, the digital subscribers’ FID.
14 This occurs even when the digital subscriber has not shared (nor consented to share)
15 such information.
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18 5. Importantly, Defendant shares the Personal Viewing Information—i.e.,
19 digital subscribers’ unique FID and Video Media viewed—*together as one data*
20 *point to Facebook*. Because the digital subscriber’s FID uniquely identifies an
21 individual’s Facebook user account (containing, among other things, their real name,
22 photograph, and other personally identifying information), Facebook—or any other
23 ordinary person—can use it to quickly and easily locate, access, and view digital
24 subscribers’ corresponding Facebook profile. Put simply, Facebook pixel grants
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1 Facebook knowledge of the Video Media each of its subscribers view on the
2 *masterclass.com* site.

3 6. Defendant uses the Personal Viewing Information to build more
4 targeted advertising on its website which, in turn, generates greater revenue. Thus,
5 without obtaining consent from its digital subscribers, Defendant profits from its
6 unauthorized disclosure of its digital subscribers' Personal Viewing Information to
7 Facebook. Defendant reaps these secret profits at the expense of its digital
8 subscribers' privacy and their statutory rights under VPPA.
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11 7. Because Defendant does not clearly and conspicuously inform
12 *masterclass.com* digital subscribers about this dissemination of their Personal
13 Viewing Information—indeed, the process is automatic and *invisible*—they cannot
14 exercise reasonable judgment to defend themselves against the highly personal ways
15 *masterclass.com* has used and continues to make money by using their personal data.
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18 8. Defendant chose to disregard Plaintiff's and hundreds of thousands of
19 other *masterclass.com* digital subscribers' statutorily protected privacy rights by
20 releasing their sensitive personal data to Facebook. Accordingly, Plaintiff brings this
21 class action for legal and equitable remedies to redress and put a stop to Defendant's
22 practices of intentionally disclosing its digital subscribers' Personal Viewing
23 Information to Facebook in knowing violation of VPPA.
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II. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 over the claims that arise under the Video Privacy Protection Act, 18 U.S.C. § 2710.

10. This Court also has jurisdiction under 28 U.S.C. § 1332(d) because this action is a class action in which the aggregate amount in controversy for the proposed Class (defined below) exceeds \$5,000,000, and at least one member of the Class is a citizen of a state different from that of Defendant.

11. Venue is appropriate in this District pursuant to 28 U.S.C. §1391 because Defendant resides in and is subject to personal jurisdiction in this District. Venue is also proper because the *masterclass.com* Terms of Service states that, as to Plaintiff's VPPA claims, the exclusive jurisdiction is "state and federal courts located within San Francisco County, California."¹

III. PARTIES

12. Plaintiff Rebekka Lien is an adult citizen of California and is domiciled in Los Angeles County, California. Plaintiff began her free digital subscription to *masterclass.com* around 2020 and continues to maintain the subscription to this day. Lien became a subscriber to *masterclass.com* beginning on or around 2020 which granted her access to view prerecorded video and media content on Defendant's website and app.

¹ <https://www.masterclass.com/terms> (last accessed November 6, 2024).

1 13. Plaintiff has had a Facebook account throughout the period she has been
2 a *masterclass.com* digital subscriber. During the relevant time period she has used
3 her *masterclass.com* digital subscription to view Video Media through the
4 *masterclass.com* website and/or App while logged into her Facebook account,
5 including prerecorded videos. Plaintiff uses her Facebook account to log in to the
6 *masterclass.com* website and iPhone App. By doing so, Plaintiff's Personal Viewing
7 Information was disclosed to Facebook pursuant to the systematic process described
8 herein. Because of this disclosure, Facebook was able to link Plaintiff's identity,
9 including her real name and other personally identifying information on her
10 Facebook page, to the prerecorded videos she watched on *masterclass.com*. Plaintiff
11 never gave Defendant express written consent to disclose her Personal Viewing
12 Information.
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14 14. Defendant MasterClass is an online streaming platform that provides
15 paid subscriptions to access prerecorded video tutorials and lectures by experts in
16 various fields. MasterClass is a Delaware corporation with its headquarters in San
17 Francisco, California. Defendant develops, owns, and operates the *masterclass.com*
18 website and App, which includes a broad selection of both paid and free prerecorded
19 video content posted along with other digital media content.
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IV. FACTUAL ALLEGATIONS

A. Background of the Video Privacy Protection Act

15. VPPA generally prohibits the knowing disclosure of a customer's video rental or sale records without the informed, written consent of the customer in a form "distinct and separate from any form setting forth other legal or financial obligations." 18 U.S.C. § 2710(b)(2)(B)(i). Under the statute, the Court may award actual damages (but not less than liquidated damages of \$2,500.00 per person), punitive damages, equitable relief and attorney's fees. *Id.* at § 2710(c).

16. VPPA was initially passed in 1988 to protect the privacy of individuals' and their families' video rental, purchase and viewing data. Prior to its enactment, members of the United States Senate warned that "[e]very day Americans are forced to provide to businesses and others personal information without having any control over where that information goes." S. Rep. No. 100-599 at 7-8 (1988).

17. Senators at the time were particularly troubled by disclosures of records that reveal consumers' purchases and rentals of videos and other audiovisual materials. As Senator Patrick Leahy and the late Senator Paul Simon recognized, records of this nature offer "a window into our loves, likes, and dislikes," such that "the trail of information generated by every transaction that is now recorded and stored in sophisticated record-keeping systems is a new, more subtle and pervasive form of surveillance." S. Rep. No. 100-599 at 7-8 (1988) (statements of Sens. Simon and Leahy, respectively).

1 18. In proposing the Video and Library Privacy Protection Act, later
2 codified as VPPA, Senator Leahy stated that “[i]n practical terms our right to privacy
3 protects the choice of movies that we watch with our family in our own homes. And
4 it protects the selection of books that we choose to read.” 134 Cong. Rec. S5399
5 (May 10, 1988). Thus, the personal nature of such information, and the need to
6 protect it from disclosure, is the inspiration of the statute: “[t]hese activities are at
7 the core of any definition of personhood. They reveal our likes and dislikes, our
8 interests and our whims. They say a great deal about our dreams and ambitions, our
9 fears and our hopes. They reflect our individuality, and they describe us as people.”
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13 *Id.*

14 19. While these statements rang true in 1988 when VPPA was passed, the
15 importance of legislation like VPPA in the modern era of data mining from online
16 activities is even more pronounced. During a recent Senate Judiciary Committee
17 meeting, “The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st
18 Century,” Senator Leahy emphasized the point by stating: “While it is true that
19 technology has changed over the years, we must stay faithful to our fundamental
20 right to privacy and freedom. Today, social networking, video streaming, the
21 ‘cloud,’ mobile apps and other new technologies have revolutionized the availability
22 of Americans’ information.”²
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27 ² The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st Century, Senate
28 Judiciary Committee Subcommittee on Privacy, Technology and the Law, <http://www.judiciary.senate.gov/meetings/the-video-privacy-protection-act-protecting-viewer-privacy-in-the21stcentury> (last accessed March 15, 2022).

1 20. In this case, Defendant chose to deprive Plaintiff and the Class
2 members of that right by systematically disclosing their Personal Viewing
3 Information to Facebook, without providing clear and conspicuous notice to or
4 obtaining proper consent from its digital subscribers.
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6 **B. *Masterclass.com*'s Digital Subscriptions**

7 21. Defendant owns and operates *masterclass.com*, a paid subscription
8 streaming website that offers a wide range of classes through audio and prerecorded
9 video lessons, curriculum, and workbooks. It also offers an App available for
10 download on Android and iPhone devices.
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12 22. Defendant's website, *masterclass.com*, also contains a broad range of
13 prerecorded video content that is accessible without the need to pay for a
14 membership.
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16 23. To subscribe to *masterclass.com*, users provide payment information to
17 Defendant along with their personal information, including their name, email
18 address, zip code, and phone number.
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20 24. Defendant's website also offers quick registration by signing-in with
21 Google and Facebook accounts, which automatically shares users' emails and
22 related personal information associated with these accounts. Plaintiff opted to
23 subscribe to MasterClass through the Facebook signup process.
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25 25. On information and belief, all *masterclass.com* subscribers like
26 Plaintiff provide Defendant with their IP address, which is a unique number assigned
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1 to all information technology connected devices, that informs Defendant as to
2 subscribers' city, zip code and physical location.

3 26. Subscribers to *masterclass.com* may also provide to Defendant the
4 identifier on their mobile devices and/or cookies stored on their devices.
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6 27. Defendant offers digital subscribers' paid membership options on its
7 *masterclass.com* website. Digital subscribers to *masterclass.com* have access to a
8 variety of exclusive prerecorded Video Media on Defendant's digital platforms.
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10 28. Notably, once a digital subscriber signs in and watches
11 *masterclass.com* Video Media, the subscriber is not provided with any notification
12 at the time that they watch the Video Media that their Personal Viewing Information
13 is being shared. Similarly, Defendant also fails to obtain digital subscribers' written
14 consent to collect their Personal Viewing Information "in a form distinct and
15 separate from any form setting forth other legal or financial obligations of the
16 consumer," as the VPPA requires
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19 29. Defendant also does not provide its digital subscribers with an
20 opportunity, in a clear and conspicuous manner, for them to withdraw on a case-by-
21 case basis from the disclosure of their Personal Viewing Information or to withdraw
22 from ongoing disclosures, at their election.
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1 **C. How *Masterclass.com* Disseminates Digital Subscribers' Personal**
2 **Viewing Information**

3 **1. Tracking Pixels**

4 30. Websites and apps use Facebook's pixel and SDK to collect
5 information about user's devices and activities and send that to Facebook. Facebook
6 then uses that information to show the user targeted ads.

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8 31. The Facebook tracking pixel, also known as a "tag" or "web beacon"
9 among other names, is an *invisible* tool that tracks consumers' actions on Facebook
10 advertisers' websites and reports them to Facebook. It is a version of the social
11 plugin that gets "rendered" with code from Facebook. To obtain the code for the
12 pixel, the website advertiser tells Facebook which website events it wants to track
13 (e.g., Video Media) and Facebook returns corresponding Facebook pixel code for
14 the advertiser to incorporate into its website.
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17 32. Defendant installed the Facebook tracking pixel, which enables it to
18 disclose Plaintiff's and Class Members' Personal Viewing Information to Facebook,
19 because it benefits financially from the advertising and information services that
20 stem from use of the pixel. The pixel allows Facebook to build detailed profiles
21 about a website's users as those users browse the Internet to enable advertisers to
22 serve them with targeted advertisements.
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25 33. When a *masterclass.com* digital subscriber enters the website and
26 watches Video Media on the website, the website sends to Facebook certain
27 information about the viewer, including, but not limited to, their identity and the
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1 media content the digital subscriber watched. Specifically, *masterclass.com* sends to
2 Facebook the video content name, its URL, and, most notably, the viewers'
3 Facebook ID.

4 **2. Facebook ID (“FID”)**

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6 34. An FID is a unique and persistent identifier that Facebook assigns to
7 each user. With it, anyone ordinary person can look up the user’s Facebook profile
8 and name.³ When a Facebook user with one or more personally identifiable FID
9 cookies on his or her browser views Video Media from *masterclass.com* on the
10 website or app, *masterclass.com*, through its website code, causes the digital
11 subscriber’s identity and viewed Video Media to be transmitted to Facebook by the
12 user’s browser. This transmission is not the digital subscriber’s decision, but results
13 from Defendant’s purposeful use of its Facebook tracking pixel by incorporation of
14 that pixel and code into *masterclass.com*’s website or App.

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18 35. Defendant could easily program its website and App to prevent its
19 users’ Personal Viewing Information from being automatically transmitted to
20 Facebook when a subscriber views Video Media. However, it is not Defendant’s
21 financial interest to do so because it benefits financially by providing this highly
22 sought-after information.
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27 ³ Facebook's Real Name Policy requires users to use their authentic name—the name they go by
28 in daily life—on their profiles. The policy is intended to ensure users know who they are
connecting with, promote accountability, and reduce anonymous abuse.
<https://www.facebook.com/help/1090831264320592> (last accessed November 6, 2024).

1 36. Notably, while Facebook can easily identify any individual on its
2 Facebook platform with only their unique FID, so too can any ordinary person who
3 comes into possession of an FID. Facebook admits as much on its website. Indeed,
4 ordinary persons who come into possession of the FID can connect to any Facebook
5 profile. Simply put, with only an FID and the video content name and URL—all of
6 which Defendant knowingly and readily provides to Facebook without any consent
7 from the digital subscribers—any ordinary person can learn the identity of the digital
8 subscriber and the specific video or media content they requested on the
9 *masterclass.com* website. In other words, by obtaining a person's FID, any third-
10 party can discover exactly which videos that person watched on Defendant's
11 website, which is exactly the type of personally identifiable information that VPPA
12 is intended to protect from unauthorized disclosure.

13 37. At all relevant times, Defendant knew that the Facebook pixel disclosed
14 Personal Viewing Information to Facebook. This was evidenced from, among other
15 things, the functionality of the pixel, including that it enabled *masterclass.com's*
16 website and App to show targeted advertising to its digital subscriber's based on the
17 videos those digital subscriber's had previously viewed on the website or App,
18 including Video Media, for which Defendant received financial remuneration.

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25 **D. *Masterclass.com* Unlawfully Discloses Its Digital Subscribers' Personal**
26 **Viewing Information to Facebook**

27 38. Defendant maintains a vast digital database comprised of its digital
28 subscribers' Personal Viewing Information, including the names and e-mail

1 addresses of each digital subscriber and information reflecting the Video Media that
2 each of its digital subscribers viewed.

3 39. Defendant is not sharing anonymized, non-personally identifiable data
4 with Facebook, as it represents. To the contrary, the data it discloses is tied to unique
5 identifiers that track specific Facebook users. Importantly, the recipient of the
6 Personal Viewing Information—Facebook—*receives the Personal Viewing*
7 *Information as one data point*. Defendant has thus monetized its database by
8 disclosing its digital subscribers’ Personal Viewing Information to Facebook in a
9 manner allowing it to make a direct connection—without the consent of its digital
10 subscribers and to the detriment of their legally protected privacy rights.

11 40. Critically, the Personal Viewing Information Defendant discloses to
12 Facebook allows Facebook to build from scratch or cross-reference and add to the
13 data it already has in their own detailed profiles for its own users, adding to its trove
14 of personally identifiable data.

15 41. As a result of Defendant’s data compiling and sharing practices,
16 Defendant has knowingly disclosed to Facebook for its own personal profit the
17 Personal Viewing Information of Defendant’s digital subscribers, together with
18 additional sensitive personal information.

19 42. Defendant does not seek its digital subscribers’ prior written consent to
20 the disclosure of their Personal Viewing Information (in writing or otherwise) and
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1 its customers remain unaware that their Personal Viewing Information and other
2 sensitive data is being disclosed to Facebook.

3 43. By disclosing its digital subscribers Personal Viewing Information to
4 Facebook—which undeniably reveals their identity and the specific video materials
5 they requested from Defendant’s website—Defendant has intentionally and
6 knowingly violated VPPA.
7

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9 **E. Defendant Does Not Need to Disclose Personal Viewing Information to
10 Operate its Website and App**

11 44. Tracking pixels are not necessary for Defendant to operate
12 *masterclass.com*’s digital publications and sign-up digital subscriptions. They are
13 deployed on Defendant’s website and app for the sole purpose of enriching
14 Defendant and Facebook.
15

16 45. Even if an on-line streaming platform found it useful to integrate
17 Facebook tracking pixels, Defendant is not required to disclose Personal Viewing
18 Information to Facebook. In any event, if Defendant wanted to do so, it must first
19 comply with the strict requirements of VPPA, which it failed to do. As noted above,
20 even Facebook forbids the disclosure of such information without first complying
21 specifically with VPPA (and relevant state laws).
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24 **F. Plaintiff’s Experiences**

25 46. On or around 2020, Plaintiff became a digital subscriber of
26 *masterclass.com* by providing her personal information to Defendant and started her
27 *masterclass.com* subscription, which granted her access to view prerecorded video
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1 and media content on Defendant's website and app along with other exclusive
2 benefits for subscribers.

3 47. Plaintiff has had a Facebook account since before she subscribed to
4 *masterclass.com*. From 2020 to the present, Plaintiff requested, obtained, and
5 viewed prerecorded Video Media via *masterclass.com's* website and App, and
6 through the use of the Pixel, Defendant knowingly transmitted her Personal Viewing
7 Information concerning the prerecorded videos she watched to Facebook, allowing
8 Facebook to connect Plaintiff's identity to the specific prerecorded videos he
9 watched on *masterclass.com's* platform.

10 48. Plaintiff never consented, agreed, authorized, or otherwise permitted
11 Defendant to disclose her Personal Viewing Information to Facebook. Plaintiff has
12 never been provided any written notice that Defendant discloses its digital
13 subscribers' Personal Viewing Information, or any means of opting out of such
14 disclosures of her Personal Viewing Information. Defendant nonetheless knowingly
15 disclosed Plaintiff's Personal Viewing Information to Facebook.

16 49. Because Plaintiff is entitled by law to privacy in her Personal Viewing
17 Information, Defendant's disclosure of her Personal Viewing Information deprived
18 Plaintiff of the full set of benefits to which she was entitled as part of being a
19 *masterclass.com* digital subscriber.

V. CLASS ACTION ALLEGATIONS

50. Plaintiff brings this action on behalf of herself and all others similarly situated as a class action under Rules 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure, on behalf of the following class (the “Class”):

All persons in the United States with a digital subscription to an online website and/or App owned and/or operated by Defendant that had their Personal Viewing Information disclosed to Facebook by Defendant.

Excluded from the Class are Defendant, its past or current officers, directors, affiliates, legal representatives, predecessors, successors, assigns and any entity in which any of them have a controlling interest, as well as all judicial officers assigned to this case as defined in 28 USC § 455(b) and their immediate families.

51. Numerosity. Members of the Class are so numerous and geographically dispersed that joinder of all members of the Class is impracticable. Upon information and belief, hundreds of thousands of members of the Class are widely dispersed throughout the United States. Class members can be readily identified from Defendant’s records and non-party Facebook’s records.

52. Typicality. Plaintiff’s claims are typical of the claims of members of the Class. Plaintiff and members of the Class were harmed by the same wrongful conduct by Defendant in that Defendant caused Personal Viewing Information to be disclosed to Facebook without Plaintiff’s or Class members’ obtaining express written consent. Plaintiff’s claims are based on the same legal theories as the claims of other Class members.

1 53. Adequacy. Plaintiff will fairly and adequately protect and represent the
2 interests of the members of the Class. Plaintiff's interests are coincident with, and
3 not antagonistic to, those of the members of the Class. Plaintiff is represented by
4 counsel with experience in the prosecution of class action litigation generally and in
5 the emerging field of digital privacy litigation specifically.
6

7 54. Commonality. Questions of law and fact common to the members of
8 the Class predominate over questions that may affect only individual members of
9 the Class because Defendant has acted on grounds generally applicable to the Class.
10 Such generally applicable conduct is inherent in Defendant's wrongful conduct.
11 Questions of law and fact common to the Classes include:
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- 14 (a) Whether Defendant knowingly disclosed Class members'
15 Personal Viewing Information to Facebook;
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17 (b) Whether the information disclosed to Facebook concerning Class
18 members' Personal Viewing Information constitutes personally
19 identifiable information under the VPPA;
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21 (c) Whether Defendant's disclosure of Class members' Personal
22 Viewing Information to Facebook was knowing under the
23 VPPA;
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25 (d) Whether Class members consented to Defendant's disclosure of
26 their Personal Viewing Information to Facebook in the manner
27 required by 18 U.S.C. § 2710(b)(2)(B); and
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1 (e) Whether the Class is entitled to damages, punitive damages,
2 reasonable attorneys' fees and other litigation costs reasonably
3 incurred, and other preliminary and equitable relief as the court
4 determines to be appropriate, as a result of Defendant's conduct.
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6 55. Superiority. Class action treatment is a superior method for the fair and
7 efficient adjudication of the controversy. Such treatment will permit a large number
8 of similarly situated persons to prosecute their common claims in a single forum
9 simultaneously, efficiently, and without the unnecessary duplication of evidence,
10 effort, or expense that numerous individual actions would engender. The benefits of
11 proceeding through the class mechanism, including providing injured persons or
12 entities a method for obtaining redress on claims that could not practicably be
13 pursued individually, substantially outweighs potential difficulties in management
14 of this class action. Plaintiff knows of no special difficulty to be encountered in
15 litigating this action that would preclude its maintenance as a class action.
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19 VI. CLAIM FOR RELIEF

20 FIRST CLAIM FOR RELIEF

21 Violation of the Video Privacy Protection Act ("VPPA"), 18 U.S.C. § 2710

22 56. Plaintiff incorporates paragraphs by reference as if fully set forth
23 herein.
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25 57. VPPA prohibits a "video tape service provider" from knowingly
26 disclosing "personally-identifying information" concerning any consumer to a third-
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1 party without the “informed, written consent (including through an electronic means
2 using the Internet) of the consumer.” 18 U.S.C § 2710.

3 58. As defined in 18 U.S.C. §2710(a)(4), a “video tape service provider” is
4 “any person, engaged in the business, in or affecting interstate commerce, of rental,
5 sale, or delivery of prerecorded video cassette tapes or similar audiovisual
6 materials.”
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8 59. Defendant is a “video tape service provider” as defined in 18 U.S.C.
9 §2710(a)(4) because it engaged in the business of delivering audiovisual materials
10 that are similar to prerecorded video cassette tapes and those sales affect interstate
11 or foreign commerce.
12

13 60. As defined in 18 U.S.C. §2710(a)(3), “personally-identifiable
14 information” is defined to include “information which identifies a person as having
15 requested or obtained specific video materials or services from a video tape service
16 provider.”
17

18 61. Defendant knowingly caused Personal Viewing Information, including
19 FIDs, concerning Plaintiff and Class members to be disclosed to Facebook. This
20 information constitutes personally identifiable information under 18 U.S.C.
21 §2710(a)(3) because it identified each Plaintiff and Class member to Facebook as an
22 individual who viewed *masterclass.com* Video Media, including the specific
23 prerecorded video materials requested from the website.
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1 62. As defined in 18 U.S.C. §2710(a)(1), a “consumer” means “any renter,
2 purchaser, or subscriber of goods or services from a video tape service provider.” As
3 alleged in the preceding paragraphs, Plaintiff subscribed to a digital *masterclass.com*
4 plan that provides Video Media content to the digital subscriber’s desktop, tablet,
5 and mobile device. Plaintiff is thus a “consumer” under this definition.
6

7 63. As set forth in 18 U.S.C. §27109(b)(2)(B), “informed, written consent”
8 must be (1) in a form distinct and separate from any form setting forth other legal or
9 financial obligations of the consumer; (2) at the election of the consumer, is either
10 given at the time the disclosure is sought or given in advance for a set period of time
11 not to exceed two years or until consent is withdrawn by the consumer, whichever
12 is sooner. Defendant failed to obtain informed, written consent under this definition.
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14 64. In addition, VPPA creates an opt-out right for consumers in 18 U.S.C.
15 § 2710(2)(B)(iii). It requires video tape service providers to also “provide[] an
16 opportunity for the consumer to withdraw on a case-by-case basis or to withdraw
17 from ongoing disclosures, at the consumer’s election.” Defendant failed to provide,
18 in a clear and conspicuous manner, an opportunity for consumers to opt out as
19 required by VPPA.
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21 65. Defendant knew that these disclosures identified Plaintiff and Class
22 members to Facebook. Defendant also knew that Plaintiff’s and Class members’
23 Personal Viewing Information was disclosed to Facebook because, *inter alia*,
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1 Defendant chose, programmed, and intended for Facebook to receive the video
2 content name, its URL, and, most notably, the digital subscribers' FID.

3 66. By disclosing Plaintiff's and the Class's Personal Viewing Information,
4 Defendant violated Plaintiff's and the Class members' statutorily protected right to
5 privacy in their video-watching habits. *See* 18 U.S.C. § 2710(c).
6

7 67. As a result of the above violations, Defendant is liable to the Plaintiff
8 and other Class members for actual damages related to their loss of privacy in an
9 amount to be determined at trial or alternatively for "liquidated damages not less
10 than \$2,500 per plaintiff." Under the statute, Defendant is also liable for reasonable
11 attorney's fees, and other litigation costs, injunctive and declaratory relief, and
12 punitive damages in an amount to be determined by a jury, but sufficient to prevent
13 the same or similar conduct by the Defendant in the future.
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17 **VII. RELIEF REQUESTED**

18 68. Accordingly, Plaintiff, on behalf of herself and the proposed Class,
19 respectfully requests that this Court:
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21 (a) Determine that this action may be maintained as a class action
22 pursuant to Rules 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure,
23 direct that reasonable notice of this action, as provided by Rule 23(c)(2), be given to
24 the Class, and declare Plaintiff as the representative of the Class and her counsel as
25 Class Counsel;
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1 (b) Declare that Defendant's conduct as described herein violates the
2 federal VPPA, 18 U.S.C. § 2710(c)(2)(D);

3 (c) Order Defendant to pay \$2,500.00 to Plaintiff and each Class
4 member, as provided by the VPPA, 18 U.S.C. § 2710(c)(2)(A);

5 (d) Order Defendant to pay punitive damages, as warranted, in an
6 amount to be determined at trial, 18 U.S.C. § 2710(c)(2)(B);

7 (e) Order Defendant to pay prejudgment interest on all amounts
8 awarded;

9 (f) Order Defendant to pay restitution and all other forms of
10 equitable monetary relief;

11 (g) Provide for injunctive relief as pleaded or as the Court may deem
12 proper; and

13 (h) Enter an order awarding Plaintiff and the Class their reasonable
14 attorneys' fees and expenses and costs of suit, 18 U.S.C. § 2710(c)(2)(C).

15 **VIII. JURY DEMAND**

16 69. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff,
17 on behalf of herself and the proposed Class, demands a trial by jury on all issues so
18 triable

19 Dated: January 21, 2025

20 Respectfully submitted,

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22 /s/ Scott Edelsberg, Esq.

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